

**CAPT. JOHN MCMURRAY  
OWNER/OPERATOR ONE MORE CAST CHARTERS  
TESTIMONY ON H.R. 3070 “EEZ CLARIFICATION ACT”**

**SUBCOMMITTEE ON WATER, POWER AND OCEANS  
UNITED STATES HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C.**

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Mr. Chairman and Members of the Committee, thank you for inviting me to share my perspective on HR 3070, the “EEZ Clarification Act”.

I’ve run a relatively successful fishing charter business in Long Island, NY for 15 years, employing three boats and three captains when the striped bass resource was at its high point. I sit on the Mid Atlantic Fishery Management Council, one of eight regional fishery management councils in the US. I’m also a member of the Atlantic States Marine Fisheries Commission’s Striped Bass Advisory Panel. Lastly, I’m the Director of Grant Programs at the Norcross Wildlife Foundation, which has distributed over \$20 million in equipment grants, much of that to organizations focused exclusively on fisheries and marine habitat protection.

I want to be clear that I’m here today speaking solely as a fisherman and small business owner from New York.

As you are likely aware, the Exclusive Economic Zone (EEZ) – the area off our coast from three nautical miles out to 200 – has been closed to striped bass fishing since 1990.

Such moratorium was put in place to protect new year-classes entering the spawning population and to help with the rebuilding of a resource recovering from nearly two decades of overfishing.

In 2006, NOAA Fisheries re-evaluated the federal ban. After receiving approximately 8,500 comments, almost all supporting a continued closure, the agency decided to maintain the moratorium to ensure fishing pressure did not increase.

Today, the EEZ effectively serves as a badly need buffer for an adult striped bass population. Outside of three miles, stripers are temporarily protected from the sometimes immense pressure they face in state waters.

On nautical charts that show Eastern Island, Block Island and Rhode Island the EEZ is clearly delineated, indicating a boundary that lies three miles off of all relevant points of land.

Because Block Island is approximately nine miles from Rhode Island, and fourteen miles from Montauk Point, there is a large swath of water between Montauk, Block and Pt. Judith – approximately 155-square miles – that is federal water, and thus closed to striped bass fishing. Those familiar with the area understand that such water, usually from June to October, holds A LOT of striped bass. Generally large ones too.

While it is legal to be in possession of striped bass in such “transit zones” while steaming between Block Island and Montauk or other nearby ports, anglers may not actively fish for stripers in such area.

If HR 3070, the “EEZ Clarification Act” were to become law, recreational fishing for striped bass would be allowed in the “transit zone.”

While it’s easy to think this is not a big deal, and that we’re just considering opening a small area between two points of land, the reality is that we’re talking about is 155-square miles of what is really prime striped bass habitat, particularly for those older, larger, fecund females, in close proximity to some of the biggest recreational and commercial fishing ports on the East Coast. If such an opening were to occur, A LOT more big fecund females would presumably be harvested.

As far as I know, there has been no biological analysis conducted by NOAA Fisheries, ASMFC or other managing agency of what sort of impact this might have. Such an analysis should be a requirement before considering any such opening. It seems very likely that opening this water to striped bass fishing would result in an increase, probably a significant one, in overall fishing mortality.

Currently things are not exactly “rosy” with striped bass. The stock has been in steady decline since 2006. And while the last assessment (completed in 2013) found that it wasn’t quite yet overfished, such assessment clearly warned that it very well could become overfished in 2015.

Just about everyone with any real time on the water acknowledges the decline in abundance of striped bass (unless they have a financial stake in harvesting more fish of course). Each year, it seems to become harder and harder to find striped bass in their usual haunts. Certainly there is still good fishing to be had, but it is sporadic and hard to predict. Those who fish from shore (“surfcasters”) have suffered from the decline the most. The “Montauk Blitz” (striped bass feeding frenzies) that characterized the Montauk shoreline in September and October, and made Montauk a famous striped bass destination appear to be a thing of the past.

It is my opinion that the last thing we should be considering at this point is a likely increase in fishing mortality.

Any such regional opening would interrupt a uniform and consistent EEZ closure along the striper coast. You can be fairly sure that if such a Bill were to become law, Massachusetts, Virginia, North Carolina etc., would be carving out their own preferred areas of the EEZ to open. And there would be justification, “If New York and Rhode Island can do it, then we should be able to also.”

There is a fairness issue to consider as well. Given the EEZ was permanently closed to commercial striped bass fishing pursuant to an executive order issued by President George W. Bush, such an area would presumably be open to recreational fishing only. If that were the case, and it was determined that the increase in fishing mortality required a reduction, such an across-the-board reduction would affect commercial fishermen negatively even if they had little to do with the overage.

Finally, the bill intends to open up areas landward from “a continuous line running from a point three miles south of the southernmost point of Montauk to a point three miles south of the southernmost point of Block Island, Rhode Island, and from such point three miles south of the southernmost point of Block Island, Rhode Island, to a point three miles south of the southernmost point of Point Judith.”

If you get a chart out and actually draw those lines, you’ll see that it cuts off the entire southeast corner of Block Island. Unless I’m misunderstanding something, this means that technically, if you were to be fishing from the beach at Sand Bank, or Cat Rock, you’d be doing so illegally.

In short, the EEZ moratorium is and has been an important component of striped bass conservation efforts, keeping fishing mortality down, particularly on those older large fish that compose the spawning stock, and appear to frequent federal waters. Such a closure has over the years, without question, helped to protect the striped bass resource.

The Montauk and Rhode Island party/charter fleet appears to be arguing that such a regional opening would provide economic benefits. Perhaps it might. But the larger question is whether such potential economic benefits, for what appears to be a narrow special interest, trump the long-term health of a public resource. And should those fish be available to such special interests at the expense of the great majority of anglers, particularly those surfcasters and near shore fishermen?

The answer seems pretty simple to me.

This concludes my testimony. Thank you for the opportunity to provide these comments.

Sincerely,

Capt. John McMurray  
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